

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>HERSCHEL G. BYRD,</b>	:	<b>PRISONER CIVIL RIGHTS</b>
<b>also known as Herschel Hines,</b>	:	<b>42 U.S.C. § 1983</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>BROOKS FRANKLIN, Attorney</b>	:	<b>CIVIL ACTION NO.</b>
<b>at Law Bar No. 273150, et al.,</b>	:	<b>1:11-CV-2508-TWT-AJB</b>
<b>Defendants.</b>	:	

**ORDER FOR SERVICE OF REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

Attached is the Report and Recommendation of the United States Magistrate Judge, made in accordance with 28 U.S.C. § 636(b)(1) and this Court's Local Rule 72. Let the same be filed and a copy, together with a copy of this Order, be served upon counsel for the parties, or if a party is not represented, then directly upon said party.

Within fourteen (14) days of service of this Order, a party may file written objections, if any, to the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1)(C). Should objections be filed, they shall specify with particularity the alleged error or errors made (including reference by page number to the transcript if applicable) and shall be served upon the opposing party. The party filing objections will be responsible for obtaining and filing the transcript of any evidentiary hearing for review by the

District Court. If no objections are filed, the Report and Recommendation may be adopted as the opinion and order of the District Court and any appellate review of factual findings will be limited to a plain error review. *United States v. Slay*, 714 F.2d 1093, 1095 (11<sup>th</sup> Cir. 1983).

The Clerk is **DIRECTED** to submit the Report and Recommendation with objections, if any, to the District Court after expiration of the above time period.

**IT IS SO ORDERED**, this 30th day of August, 2011.



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**ALAN J. BAVERMAN**  
**UNITED STATES DISTRICT JUDGE**

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<b>Plaintiff,</b>	:	
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<b>BROOKS FRANKLIN, Attorney</b>	:	<b>CIVIL ACTION NO.</b>
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<b>Defendants.</b>	:	

**UNITED STATES MAGISTRATE JUDGE’S  
FINAL REPORT AND RECOMMENDATION**

This matter is before the Court because mail addressed to Plaintiff at his address of record has been returned as undeliverable. Plaintiff has not notified the Court of his release or whereabouts. Under Local Rule 41.2 C., “[t]he failure . . . of a party appearing *pro se* to keep the clerk’s office informed of any change in address and/or telephone number which causes a delay or otherwise adversely affects the management of the case shall constitute grounds . . . for dismissal of the action without prejudice. . . .” As this Court has no information regarding Plaintiff’s whereabouts, it is **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** pursuant to Local Rule 41.2.

The Clerk is **DIRECTED** to terminate the referral to the undersigned.

**IT IS SO RECOMMENDED and DIRECTED**, this 30<sup>th</sup> day of August, 2011.

A handwritten signature in blue ink, appearing to be 'AJB', is written above a horizontal line.

**ALAN J. BAVERMAN**  
**UNITED STATES MAGISTRATE JUDGE**